

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLYDE GRAY,

No. C 12-4014 MMC

Plaintiff,
v.

MICHAEL J. ASTRUE, Commissioner of
Social Security

Defendant

**ORDER DISCHARGING ORDER TO
SHOW CAUSE; EXTENDING DEADLINE
FOR PLAINTIFF TO FILE MOTION FOR
SUMMARY JUDGMENT OR FOR
REMAND; NOTICE TO PLAINTIFF**

In the above-titled action, plaintiff Clyde Gray ("Gray") seeks judicial review of a decision by the Social Security Administration, specifically, the decision issued July 22, 2011 by the Administrative Law Judge, finding Gray "has not been under a disability, as defined in the Social Security Act, from February 28, 2007, through [July 22, 2011]." (See Administrative Record at 18.) By order filed January 2, 2013, the Court directed Gray to show cause why the action should not be dismissed for failure to prosecute. Specifically, as set forth in said order, Gray failed to file a motion for summary judgment or for remand within the time required by the Procedural Order for Social Security Review Actions;¹ by said

¹The Procedural Order directed Gray to file a "motion for summary judgment or for remand within 28 days of service of defendant's answer." (See Procedural Order, filed July 31, 2012.) On November 13, 2012, defendant filed with the Clerk and served by mail his answer on Gray. Accordingly, Gray's motion was due no later than December 14, 2012. See id.; see also Fed. R. Civ. P. 6(d) (providing for additional three days to act where party is served by mail).

1 order, the Court directed Gray to file his motion no later than January 22, 2013, along with a
2 statement indicating why he had failed to timely file the requisite motion.

3 Before the Court is Gray's response, filed January 15, 2013, to the Court's order to
4 show cause. In his response, Gray states he did not file a motion because he was "looking
5 for a lawyer" and "had to take care of an eviction notice." Additionally, Gray refers therein to
6 his present physical condition, stating he takes "medication every day" and is a candidate for
7 surgery "in the future." In his response, Gray also requests the Court "take another look at
8 [his] case," which statement the Court construes as a request by Gray for a further
9 extension of time to file his motion.

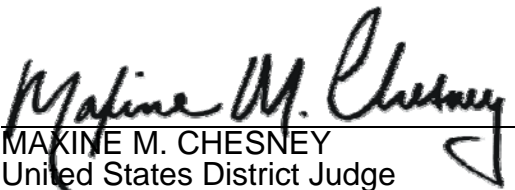
10 Although Gray's response is lacking in factual specificity, the Court will grant Gray a
11 limited further extension to file his motion.

12 Accordingly, the above-referenced Order to Show Cause is hereby DISCHARGED
13 and Gray is hereby ORDERED to file, no later than February 28, 2013, a motion for
14 summary judgment or remand. In any such motion, Gray shall identify what relief he seeks
15 and the specific reasons why he claims the July 22, 2011 decision of the Administrative Law
16 Judge is erroneous.

17 Gray is hereby advised that his failure to file such motion by February 28, 2013 will
18 likely result in the dismissal of the instant action for failure to prosecute. See Fed R. Civ. P.
19 41(b).

20 **IT IS SO ORDERED.**

21
22 Dated: January 29, 2013


MAKINE M. CHESNEY
United States District Judge